IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.626 OF 2004
IN
APPEAL NO.256 OF 2004
IN
NOTICE OF MOTION NO.1467 OF 2003
IN
SUIT NO.1401 OF 2003

Shri Manohar H. Bhawalkar
& others .... Appellants
Vs.
Shri Hasmukhroy Maganlal Desai
& others .... Respondents

Sri Rajeev Matkar for the Appellants.

CORAM: SRI R.M.S. KHANDEPARKAR &
SRI P.B. MAJMUDAR, JJ.
DATED: JULY 04, 2008

P.C:

The learned Advocate appearing for the appellants states that the appellant No.1 expired on 24-7-2004 and the right to sue does not survive. As far as the appellant No.2 is concerned, he states that there are no instructions from him in the matter. As far as the appellant No.3 is concerned, he states that the said appellant does not want to pursue with the matter any more. In view of the above, the notice of motion is liable to be dismissed and is accordingly hereby dismissed. In view of dismissal of the notice of motion for condonation of delay in filing the appeal, the Appeal No.256 of 2004 automatically stands dismissed.

(P.B.Majmudar, J.) (R.M.S.Khandeparkar, J.)

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